

BOIES, SCHILLER & FLEXNER LLP
RICHARD J. POCKER (NV Bar No. 3568)
300 South Fourth Street, Suite 800
Las Vegas, NV 89101
Telephone: (702) 382-7300
Facsimile: (702) 382-2755
rpocker@bsflfp.com

BOIES, SCHILLER & FLEXNER LLP
STEVEN C. HOLTZMAN (*pro hac vice*)
FRED NORTON (*pro hac vice*)
KIERAN P. RINGGENBERG (*pro hac vice*)
1999 Harrison Street, Suite 900
Oakland, CA 94612
Telephone: (510) 874-1000
Facsimile: (510) 874-1460
sholtzman@bsflfp.com
fnorton@bsflfp.com
kringgenberg@bsflfp.com

Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc. and Oracle International
Corp.

BINGHAM McCUTCHEN LLP
GEOFFREY M. HOWARD (*pro hac vice*)
THOMAS S. HIXSON (*pro hac vice*)
KRISTEN A. PALUMBO (*pro hac vice*)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286
geoff.howard@bingham.com
thomas.hixson@bingham.com
kristen.palumbo@bingham.com

DORIAN DALEY (*pro hac vice*)
DEBORAH K. MILLER (*pro hac vice*)
JAMES C. MAROULIS (*pro hac vice*)
ORACLE CORPORATION
500 Oracle Parkway, M/S 5op7
Redwood City, CA 94070
Telephone: 650.506.4846
Facsimile: 650.506.7114
dorian.daley@oracle.com
deborah.miller@oracle.com
jim.maroulis@oracle.com

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**ORACLE'S MOTION TO SEAL
PORTIONS OF ITS REPLY IN
SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT
AND CERTAIN SUPPORTING
DOCUMENTS**

Pursuant to the Stipulated Protective Order (Dkt. 55) and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court order the Clerk of the Court to file certain portions of Oracle’s Reply In Support Of Its Motion for Partial Summary Judgment, submitted at Dkt. 284, and supporting documents, submitted at Dkt. 285-295, under seal.

DOCUMENTS DESIGNATED BY ORACLE AS

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

Oracle previously moved to seal Exhibits 10-17 to its motion for partial summary judgment, and the corresponding parts of the motion and supporting papers, because Exhibits 10-17 are Highly Confidential license agreements between Oracle and its customers. *See* Dkt. 251. Oracle now moves to seal the corresponding portions of its Reply, Reply Statement of Undisputed Facts, and Evidentiary Objections (including quotes from papers previously filed that, in turn, quote Exhibits 10-17). As before, there is a compelling reason to seal discussions of Exhibits 10-17 because the license terms are Highly Confidential, and because their disclosure could interfere with Oracle’s ongoing licensing efforts, which are an important part of its business. *Id.* at 3 (citing *Selling Source, LLC v. Red River Ventures, LLC*, 2011 WL 1630338 (D. Nev. Apr. 29, 2011)); *see also* *Stone v. Advance America, Cash Advance Centers, Inc.*, 2011 WL 662972, *3 (S.D. Cal. Feb. 11, 2011) (sealing documents because they “might become a vehicle for improper purposes in the hands of business competitors”).

Oracle also moves to seal Exhibits 68 and 73 and the corresponding parts of the Reply, Reply, Reply Statement of Undisputed Facts, and Evidentiary Objections. Exhibits 68 and 73 are deposition excerpts that include discussions of the terms of Oracle’s license agreements with its customers. Disclosure of this information could harm Oracle just as if the license agreements themselves were disclosed. Consistent with the approach described above for Exhibits 10-17, Oracle designated Exhibits 68 and 73 as “Highly Confidential” under the Protective Order entered in this case. That designation reflects Oracle’s best judgment that the Exhibits contain “extremely sensitive, highly confidential, non-public information, consisting either of trade

secrets or other highly confidential documents related to current or future business plans, protocols or strategies, the disclosure of which . . . would be likely to cause competitive or business injury to [Oracle] (other than injury to [Oracle's] position in this Action).” Dkt. 55 at ¶ 4. (As noted below, Rimini designated testimony excerpted in Exhibit 68 as Confidential, and testimony excerpted in Exhibit 73 as Highly Confidential.)

**DOCUMENTS DESIGNATED BY RIMINI AS CONFIDENTIAL OR
HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY**

Rimini has designated the following documents cited or referred to in Oracle’s Reply, Reply Statement of Undisputed Facts, and Evidentiary Objections as either Confidential or Highly Confidential – Attorneys’ Eyes Only:

Ex.	Designation	Designation
68	Seth Ravin Deposition	Confidential
69	Oracle Depo Ex. 950	Confidential
70	Clark Strong Deposition	Confidential, Highly Confidential
71	Dennis Chiu Deposition	Confidential
72	Oracle Depo Ex. 276	Highly Confidential
73	James Ward Deposition	Highly Confidential
74	Oracle Depo Ex. 833	Confidential
77	Expert Report of Brooks L. Hilliard	Highly Confidential
78	Ray Grigsby Deposition	Confidential, Highly Confidential

Oracle submits these documents under seal pursuant to the Protective Order based on Rimini’s representation that it reasonably believes there is a valid basis under the Protective Order for its confidentiality designations. However, except for Exhibits 68 and 73, which are discussed in the previous section, Oracle is not in the position to argue that the need to seal these exhibits meets the “compelling interest” standard applicable to a dispositive motion.

**DOCUMENTS DESIGNATED BY CEDARCRESTONE AS CONFIDENTIAL OR
HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY**

Third party CedarCrestone has designated Exhibits 3-4 to Rimini’s Appendix of Exhibits

as either Confidential or Highly Confidential – Attorneys’ Eyes Only. These documents are cited or referred to in Oracle’s Reply, Reply Statement of Undisputed Facts, and Evidentiary Objections, or in documents cited in those papers. Oracle submits these documents under seal pursuant to the Protective Order based on CedarCrestone’s representation that it reasonably believes there is a valid basis under the Protective Order for its confidentiality designations. However, except for Exhibit 3 at 56:12-57:8 (not relevant to Oracle’s reply papers, but discussed in Oracle’s Response to Rimini’s Motion to Seal, filed concurrently), Oracle is not in the position to argue that the need to seal these exhibits meets the “compelling interest” standard applicable to a dispositive motion.

* * *

Oracle has submitted its Reply to the Court’s public files with all other parts unredacted, which allows public access to everything except the items listed above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Oracle respectfully requests that the Court find there is a compelling interest in filing the documents discussed above under seal.

DATED: May 14, 2012

BINGHAM McCUTCHEN LLP

By: /s/ Geoffrey M. Howard
 Geoffrey M. Howard
 Attorneys for Plaintiffs
 Oracle USA, Inc., Oracle America, Inc.,
 and Oracle International Corp.